



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO: BRIAN MCCORMICK**  
Regulatory Coordinator  
Department of Medical Assistance Services

**FROM: JENNIFER L. GOBBLE**  
Special Counsel

**DATE: May 6, 2008**

**SUBJECT: Fast Track Regulation Regarding State/Local  
Hospitalization Program**

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I have reviewed the attached fast track amendment to the regulation regarding the State/Local Hospitalization program (SLH).

Based on that review, it is my view that the Director, acting on behalf of the Board of Medical Assistance Services pursuant to Va. Code §32.1-324, has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. This regulation will enable the Director, in lieu of the Board of Medical Assistance Services, to amend the eligibility requirements for the SLH program to allow individuals enrolled in limited benefit Medicaid programs, such as individuals enrolled in the Family Planning Waiver (described in 12VAC30-135-10 through 12VAC30-135-40) and Qualified Medicare Beneficiaries, to be

evaluated for coverage in the SLH program if a medical need arises that cannot be covered by the limited Medicaid benefit program.

Please note, if an objection to the use of the fast-track process is received within the public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the Department of Medical Assistance Services shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process set out in this article with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you have any questions or need any additional information, please feel free to call me at 786-1840.

cc: Kim F. Piner  
Chief/Senior Assistant Attorney General